

Remarks

In view of the following remarks, reconsideration and allowance of the claims are requested. Claims 1-14 and 39-42 are pending with claims 1, 3, and 39 being independent. Claims 15-38 are withdrawn. Claims 1-13 and 39 are amended. Support for the amendments to the claims is found in the specification. No new matter is added.

Rejection under 35 U.S.C. 112, first paragraph

Claims 11 and 12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Applicants amended claims 11 and 12 to replace the phrase “isolator” with “surface of the sensor.” The Applicants respectfully request withdrawal of the rejection under 35 U.S.C. 112, first paragraph.

Rejection under 35 U.S.C. 112, second paragraph

Claims 1-2, 4-14, and 39-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention.

Claims 1-2, 4-10, 13, 14, and 39-42 are rejected for the citing “transmitting electrodes” and “the transmitting electrode” although a designation for a particular electrode has not been established. The specification states on page 7 at lines 11-14 that the transmitting electrodes are formed on the surface of the sensor. Therefore, the Applicants amended claims 1-13 and 39 to clarify the phrase “transmitting electrodes” by replacing it with “sensor” and using the term “transmitting electrode” or “transmitting electrodes” to refer specifically to the first and second transmitting electrodes on the surface of the sensor. Claim 14 is dependent on independent claim 3, and claims 40-42 are dependent on independent claim 39.

Claims 11 and 12 are rejected for reciting the limitation “the isolator.” The Applicants amended claims 11 and 12 to replace the phrase “isolator” with “surface of the sensor.”

The Applicants respectfully request withdrawal of the rejection under 35 U.S.C. 112, second paragraph.

Rejections under 35 U.S.C. 102(b)

Claims 1-6, 13, and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Publication Number 2002/0138009 to Brockway et al. Brockway et al. disclose a sensor and a wireless communication circuit disposed in the heart chamber. The communication circuit is coupled to the sensor and transmits information to a receiver outside of the heart chamber.

Brockway et al. fail to disclose the first and second electrodes are installed on the surface of the sensor or capsule type endoscope as in independent claims 1, 3, and 39. Claim 2 is dependent on independent claim 1. Claims 4, 5, 6, and 13 are dependent on independent claim 3. It is submitted that claims 1, 3, 13, and 39 are allowable as Brockway et al. do not disclose each and every element.

Further, the Applicants submit that Brockway paragraph [0054] is mischaracterized for disclosing “wherein the electrodes are transmitting information of a separate electrical medical device which would contain an internal circuit.” Brockway et al. in paragraph [00540] disclose communicating information from any implanted medical device to an external remote receiver using intracorporeal conductive communication. Claim 5 of the present invention is directed to transmitting electrodes that are electrically connected with an internal circuit of the sensor to receive an electric signal generated from the internal circuit. Brockway et al. do not disclose that the transmitting electrodes installed on the surface of the sensor are electrically connected with an internal circuit so the sensor can receive electric signal generated from the internal circuit. It is respectfully submitted that claim 5 is allowable, as Brockway et al. do not disclose each and every claimed element.

As such, it is respectfully submitted that independent claims 1, 3, and 39 and dependent claims 2, 4-6, and 13 are allowable, as Brockway et al. do not disclose each and every claimed element; thus not meeting the prima facie case of unpatentability.

Claims 1-3, 5, 13, and 39-40 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 5,914,701 to Gersheneld et al. Gersheneld et al. disclose a wireless system in which a transmitter and receiver are coupled through a user and room ground. The transmitter includes a signal generator and a pair of electrodes.

The electrodes of Gersheneld et al. are all placed on the exterior of the user's body. Gersheneld et al. do not disclose a method for transmitting a signal from a sensor put in the human body to the outside of the human body. Gersheneld et al. do not disclose transmitting electrodes installed on the surface of a sensor or capsule type endoscope. Furthermore, Gersheneld et al. do not disclose that the surface of the sensor is made of conductive material harmless to the human body. As such, it is respectfully submitted that independent claims 1, 3, and 39 and dependent claims 2, 5, and 40 are allowable, as Gersheneld et al. do not disclose each and every claimed element; thus not meeting the prima facie case of unpatentability.

Rejections under 35 U.S.C. 103(a)

Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brockway et al. As discussed above, Brockway et al. fail to disclose that the first and second electrodes are installed on the surface of the sensor or capsule type endoscope as in independent claims 1, 3, and 39. The mere disclosure that "structural, logical, and electrical changes may be made without departing from the spirit and the scope of the present invention" does not supplement the deficient disclosure of Brockway et al. The broad sweeping phrase, or the remainder of the Brockway et al. disclosure, does not teach or suggest to a person of ordinary skill in the art to install the first and second electrodes on the surface of the sensor. Dependent claims 7-10 depend from dependent claim 6, which is dependent on independent claim 3. Claim 3 is allowable over Brockway et al. As such, it is respectfully submitted that claims 7-10 are allowable over Brockway et al.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brockway et al. in view of U.S. Patent Number 6,165,178 to Bashiri et al. Bashiri et al. disclose an implant for placement in the human body and assembly for so placing that implant.

Bashiri et al. do not cure the deficiencies of Brockway et al. Neither reference teaches or discloses isolating the transmitting electrodes on the surface of the sensor. Claim 11 depends from independent claim 3, and claim 12 depends from claim 11. Claim 3 is allowable over Brockway et al. in view of Bashiri et al. It is respectfully submitted that claims 11 and 12 are allowable over Brockway et al in view of Bashiri et al.

Claims 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Brockway et al. in view of U.S. Patent Number 4,267,415 to Holmes et al. Holmes et al. are cited to compensate for the deficiency of the Brockway et al. disclosure in failing to teach how a low current is achieved. Holmes et al. disclose that the current interrupter is placed on a power distribution line in parallel with a current limiting circuit adapted to rapidly reduce excessive current flow. The current limiting circuit includes a resistor in parallel with a capacitor. However, claim 41 claims the size of the current is limited by connecting resistance serially to the transmitting electrode respectively. Furthermore, claims 40 and 41 are depend, either directly or indirectly, from independent claim 39. Claim 39 is allowable over Brockway in view of Holmes et al. As such, it is submitted that claims 40 and 41 are allowable over Brockway et al. in view of Holmes et al.

Conclusion

The Applicants submit that the application is now in condition for allowance.

Respectfully submitted,

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